

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 33873 of 2015 (H)

PETITIONER:

**THUSHARA L.
W/O. SHIYASMON
KISHORE BHAVANAM
MUTHUKATTUKARA
PALAMEL, NOORNAD
ALAPPUZHA DISTRICT**

**BY ADVS.SRI.O.D.SIVADAS
SRI. C.RADHAKRISHNAN**

RESPONDENTS:

- 1. DISTRICT EXECUTIVE OFFICER
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
ALAPPUZHA AT HARIPPAD - 690 514**
- 2. ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE,KOTTAYAM - 686 001**
- 3. JOINT REGIONAL TRANSPORT OFFICER
SUB REGIONAL TRANSPORT OFFICE
MAVELIKKARA
ALAPPUZHA DISTRICT - 690 101**
- 4. ROYSON JOSEPH
PROPRIETOR, ROYAL TOURS AND TRAVELS
44/382 D,
LISIE JUNCTION
KOCHI - 682 018**

R1 BY SRI.P.M.HABEEB, SC.

R2 BY SRI.JOY THATTIL ITOOP, SC, EPF ORGANISATION

R3 BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 33873 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE REGISTRATION PARTICULARS OF VEHICLE NO.
KL-07 AP-6699 AFTER EFFECTING TRANSFER OF OWNERSHIP IN THE
NAME OF THE PETITIONER**

**EXHIBIT-P2- TRUE COPY OF THE COMBINED CHALLAN DATED 12.10.2015
RELATING TO THE 4TH RESPONDENT ESTABLISHMENT**

**EXHIBIT-P3- TRUE COPY OF THE JUDGMENT MADE IN W.P.(C). NO. 20740/2015
PASSED BY THE HIGH COURT OF KERALA ON 04.08.2015**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 33873 OF 2015

Dated this the 17th day of November, 2015

JUDGMENT

The petitioner asserts that her transferor was covered by Employees Provident Fund Scheme in respect of the vehicle. It is the case of the petitioner that no dues under the Kerala Motor Transport Workers Welfare Fund Act need be paid.

2. The petitioner is free to produce the necessary documents before the first respondent. The first respondent on being convinced of the factual situation can accept contribution towards the Kerala Motor Transport Workers Welfare Fund.

3. The petitioner is also provisionally permitted to pay tax in respect of the vehicle KL-O7-AP-6699 for the period from 01.10.2015 onwards. The next instalment shall however be received on proof of acceptance of the contribution by the first respondent.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS